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Attorney for Defendants

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

GREENACTION FOR HEALTH AND  
ENVIRONMENTAL JUSTICE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF THE  
NAVY et al.,

Defendants.

Case No. 3:24-cv-3899-VC

**STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE CASE  
MANAGEMENT CONFERENCE**

Under Civil Local Rules 6-1(b), Plaintiff and Defendants (together, the “Parties”) stipulate to and request an order from the Court to continue the initial case management conference to November 22, 2024, with the joint case management statement due November 15, 2024, or the next available dates thereafter. The initial case management conference is currently scheduled for September 27, 2024, with the joint case management statement due September 20, 2024.

The Parties request the Court enter an order granting the continuance because Plaintiff intends to file an amended complaint and Defendants anticipate filing a motion to dismiss under Federal Rule of Civil Procedure (“Rule”) 12(b). The Parties met on September 3, 2024, to discuss a process for Plaintiff to file an amended complaint and Defendants to respond with a responsive pleading. Plaintiff would like to obtain information from Defendants, and that will determine the timing of Plaintiff’s filing of an amended complaint.

The Parties believe it would serve judicial economy to continue the case management conference at least until Plaintiff has filed an amended complaint and Defendants have filed a responsive pleading. Defendants’ planned motion to dismiss may result in dismissal of all or part of this action. Conducting the Rule 26(f) conference and initial case management conference before knowing the full scope of the claims at issue likely would leave case management matters unresolved. Depending on which claims proceed, this case may require review of some claims based on the administrative record, and discovery under the Rules for others. It would be in the interests of the Parties and judicial economy to address this issue, on which the Parties may disagree, based on the claims that move forward in the case.

To do so, the Parties request that the Court enter an order continuing the initial case management conference as requested above. This continuance will allow the Parties time to Stipulation and Proposed Order to Continue Case Management Conference  
Case No. 3:24-cv-3899-VC

negotiate a process for Plaintiff to amend the complaint and Defendants to respond, for Plaintiff to file an amended complaint, and for Defendants to file a responsive pleading.

Respectfully Submitted,

Dated: September 4, 2024

/s/ with permission  
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Dated: September 4, 2024

/s/ David Mitchell  
DAVID D. MITCHELL  
United States Department of Justice  
Environment & Natural Resources Division  
Environmental Defense Section

Attorney for Defendants

### **FILING ATTESTATION**

I attest that the signing counsel for Plaintiff concurs in filing this document.

Dated: September 4, 2024

/s/ David Mitchell  
DAVID D. MITCHELL  
United States Department of Justice  
Environment & Natural Resources Division  
Environmental Defense Section

**~~PROPOSED ORDER~~**

Based on stipulation and for good cause shown, the initial case management conference and joint case management statement deadline established by the Court's July 1, 2024, order are continued. The initial case management conference is continued to November 22, 2024, with the joint case management statement due November 15, 2024.

**IT IS SO ORDERED**

Dated: September 5, 2024



Vince Chhabria  
United States District Judge